IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

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WRIT PETITION NO : 8659 of 1995

Between:

Indur District Co-operative Marketing Society Limited, represented by Business Manager, C.P.Surendara Rao, aged 50 years, s/o. K. Padmarao, R/o.Nizamabad.

..... PETITIONER

AND

1 Appellate Authority Under Sec. 48(3) A.P.Shops and

Establishment Act, 1988-cum-

Dy.Commisioner of Labour
R.R.Dist. Zone Anjayya Bhavan,

Chikkadpally Hyderabad
2 Labour court-I, Chandravihar Complex,
Exhibition Grounds Road. Hyd
3 Ramakanth Kulkarni,

C/o.Prafulchandra Mukphalkar,
Nizamabad.
4 G.Valli Devi, C/o. Madhava Rao, Advocate,
Nizamabad.
5 Md.Ghouse, C/o.Prafullchandra Mukphalkar, Advocate
Nizamabad.
6 Y.Venkateswara Rao,

C/o.Prafullchandra Mukphalkar, Advocate
Nizamabad.

7 Satish Balchand, C/o.Prafullchandra

Mukphalkar, Advocate
Nizamabad.

8 Government of A.P. Labour,

Nutrition and Technical Education

represented by Secretary,

Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of mandamus or any other appropriate Writ, order of direction and to declare the action of the 8th respondent herein in transferring the S.A.NO.S.31/88,29/88,33/88,22/88,&20/88 from the file of the 2nd respondent to the file of the 1st respondent as illegal and ultravires its powers under the A.P.Shops and Establishments Act 1988 and to issue a consequential direction to the 1st respondent to transfer the case No.S.B/8363/92, B/8361/92, B/8363/92, B/8368/92 and B/8370/92 to the 2nd respondent and also to direct the 2nd respondent to hear the same in accordance with law.

Counsel for the Petitioner:MR.V.VENKATARAMANA

Counsel for the Respondent Nos.1,2 & 8: GP FOR LABOUR

Counsel for the Respondent Nos.3 to 7:None appeared.

The Court made the following :

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O R D E R:

This Writ Petition is filed against the notice dated 17-4-1993 issued by the Appellate Authority Under Section 48(3) of the Andhra Pradesh Shops and Establishments Act 1988-cum-Deputy Commissioner of Labour, Ranga Reddy District Zone, Hyderabad.

2. The petitioner-Management filed this Petition on the ground that the first respondent has no authority and that the appeals cannot be transferred to the first respondent authority and therefore, the impugned notice is bad.

3. I am unable to agree with the contention of the learned counsel for the petitioner at this juncture, as it is only a notice that was impugned herein and the matter will have to be heard by the first respondent-authority. Since it is open for the petitioner to raise this ground before the first respondent, the same shall be considered by the first respondent. Under those circumstances, I am not inclined to consider the case on merits.

4. Accordingly, the Writ Petition is dismissed. However, the first respondent is directed to proceed with the matter and pass appropriate orders taking into consideration of the contentions raised by the petitioner within a period of three months from the date of receipt of a copy of this Order. No costs.

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G.BIKSHAPATHY, J

Dated: 23-12-2004

Prv/Sj

To

1. The Dy. Commissioner of Labour-Cum-

Appellate Authority Under

Sec. 48(3)of A.P.Shops and

Establishments Act 1988-cum- Dy.Commisioner of Labour
R.R.Dist. Zone Anjayya Bhavan, Chikkadpally Hyderabad

2. The Labour court-I, Chandravihar Complex,

Exhibition Grounds

Road. Hyderabad.

3. The Secretary, Government of A.P. Labour,

Nutrition and Technical

Education, Secretariat, Hyderabad.

4. Two CCs to the Government Pleader for Labour,

High Court Building, Hyderabad. (OUT).

5. Two C.D. copies.